

REMARKS/ARGUMENTS

Claims 1-14 are pending in the present application. Claims 1-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Janzen et al. (USPN 6,141,614). This rejection is traversed.

Claims 1-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Janzen et al. Anticipation "requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee." Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2d 1101, 1103 (Fed. Cir. 1995). "[P]rior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference." Elan Pharms., Inc. v. Mayo Foundation for Medical Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q.2d 1292 (Fed. Cir. 2002) (citing In re Robertson, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571 7 U.S.P.Q.2d 1057, 1064 (Fed. Cir. 1988)). "The single reference must describe and enable the claimed invention, including all claim limitations, with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention." Id. (citing Crown Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375, 62 U.S.P.Q.2d 1917, 1921 (Fed. Cir. 2002); In re Spada, 911 F.2d 705, 708 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)). See also PPG Indus., Inc. v. Guardian Indus. Corp., 75 F.3d 1558, 1566, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996) (emphasis added).

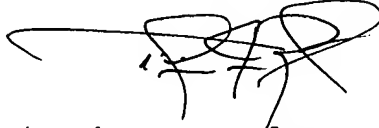
Claim 1 requires, in part, the step of "analyzing the soil sample in a lab on the robot platform". Similarly, claim 5 requires in part a robot having "a lab for analyzing the soil sample". In contrast, while Janzen discloses that "the agricultural machine 104 may be equipped to sample the soil as the machine traverses the field 108", (col. 4, lines 46-48) (emphasis added), it does not disclose that the sample is analyzed in a lab on the agricultural machine. Rather, the only disclosure by Janzen of analysis of the soil is where the "agricultural machine 104 may traverse the agricultural field 108 for the express purpose of obtaining soil samples for analysis by a lab". (Col. 4, lines 42-45). There is no teaching by Janzen where analysis of the soil sample occurs in a lab on the robot as is required by claims 1 and 5. Accordingly, as Janzen does not disclose each and every limitation of claims 1-14, it does not anticipate the claims and the rejection should be withdrawn.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200. All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Application No. 10/024,907
Docket No. P05242US0
Reply to Office Action of September 17, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a long horizontal line extending to the left.

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